Application Number	Application/Co		Applicant(s)/Patent Reexamination KELLIHER, TIMOT				
Document Code - DISQ		Internal Do	ocument – D(cument – DO NOT MAIL			
TERMINAL DISCLAIMER	☑ APPROVI	△ APPROVED		☐ DISAPPROVED			
Date Filed : June 19, 2006	This patent to a Te Discla			·			
Approved/Disconnected by							
Approved/Disapproved by	<u>y:</u>			<u> </u>			
Henry D. Jefferson							

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TERMINA PROISO AMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING "REFERENCE" APPLICATION

Docket Number (Optional) 05-535-A

In re Application of: Timothy L. Kelliher

Application No.: 10/074,832 Filed: February 13, 2002

For: Method and System for Oversubscribing a DSL Modem

The owner, UTStarcom, Inc. 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 10/159,496 as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference on May 31, 2002 application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that: any such patent: granted on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed In whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

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1 For	r submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, i.), the undersigned is empowered to act on behalf of the business/organization.
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney or agent of reco	rd. Reg. No.41,865
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Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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'Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete. including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450, DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Date:			01-Jul-06	APPL. S. N:	10074832			
To Exar	miner:		TSE, YOUNG TOI	Art Unit	2611			
From			Jefferson, Henry PARALEGAL SPCECIALIST	Return This Memo To: Case Drop-Off Location	JEF-2D68			
SUBJE	CT: Decis	ion on Termina	I Disclaimer(T.D.) filed:					
or have	aragrapns any que:	stions, please s	his informal memo in your next see me or the Special Program E	esults as set forth below. If you a Office action to notify applicant of xaminer. THIS IS AN INFORMAL, RECORD IN THE APPLICATION FI	the T.D. If you dicagree			
			nis memo to me. THANK YOU.					
Image: Control of the	The T.D). is PROPER ar	nd has been recorded (see 14.23).				
Γ	The T.D). is NOT PROP	ER and has not been accepted fo	or the reason(s) checked below (s	ee 14.24):			
	The TD fee ofihas not been submitted nor is there any authorization in the application file for the use of a deposit account							
	The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).							
	The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).							
	The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).							
	The person who signed the T.D.:							
-	is not an attorney "of record" (see 14.29 and 14.29.01).							
		has	failed to state his/her capacity t	o sign for the business entity (see	e 14.28).			
	14.29.02).							
	No documentary evidence of a chain of title from the original inventor(s) to assignee has been subm nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reframe number may be found in the T.D. or in a separate paper of record in the application (see 14.3).							
			ot signed (see 14.26 & 14.26.03)		(
	The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).							
	The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).							
		The period dis	sclaimed is incorrect or not speci	fied (see 14.26, 14.27.02 or 14.2	6.03).			
		Other:						
	Suggestion to request refund (see 14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item.							
I have ap	ppropriate	ely notified app	licant(s) of the status of the Ter	minal Disclaimer filed in this case				
Ex.Initial	ls:	Date	:		Log Date:			